

BOARD OF ADJUSTMENT

MINUTES

FRIDAY,
JUNE 15, 2007

1:00
PM

COMMISSIONER CHAMBERS,
ADMINISTRATION BUILDING

CALLED TO ORDER BY	Donald Schreiner, Chairman - noted for the record that there was a quorum present. He confirmed Proof of Publication for each case as shown on the monitor, and noted that the meeting had been advertised pursuant to the Sunshine Statute.
RECORDING SECRETARY	Anna Ely
BOARD ATTENDEES	Steven Berk Henry Wolsmann Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Howard B. (Bob) Fox, Jr.
NOT PRESENT	Ruth Gray
DEPARTMENT OF GROWTH MANAGEMENT REPRESENTATIVES	Carol Stricklin, Growth Management Director Terrie Diesbourg, Director, Zoning Division Anita Greiner, Chief Planner, Zoning Division Paul Simmons, Planner, Zoning Division Anna Ely, Public Hearing Coordinator
BOARD ATTORNEY	LeChea Parson, Board Attorney

MINUTE APPROVAL

APPROVAL OF MAY 10, 2007 MINUTES

MOTION READS:	To approve the minutes of the Board of Adjustment meeting of MAY 10, 2007		
MOTION BY:	MARY LINK BENNETT	SECONDED BY	HENRY WOLSMANN
MOTION APPROVED: 6-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Steven Berk Mary Link Bennett Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

POSTPONEMENTS

BOA#40-07-3 KATIE M BALIC/BRANKO BALIC
BOA#41-07-3 SOUTH LAKE BUILDERS INC/BRANKO BALIC
BOA#61-07-4 JAN C HEFLINGER
BOA#66-07-3 WILSON GREEN, JR. TRUSTEE/TED WICKS, AGENT
BOA#67-07-2 RANDALL & GEORGE KARST/MERIDETH NAGEL, ATTORNEY
BOA#68-07-3 WILSON GREEN, JR. TRUSTEE/TED WICKS, AGENT

DISCUSSION	There was no one on the Board nor anyone in the audience who had an objection to the following cases being postponed: BOA#40-07-3, #41-07-3, BOA#61-07-4, BOA#66-07-3, BOA#67-07-2 and BOA#68-07-3
MOTION READS:	BOA#40-07-3 and BOA#41-07-3 to be postponed until the August 9, 2007 Board of Adjustment public hearing and that they be placed first and second on the agenda, and BOA#61-07-4, BOA#66-07-3, BOA#67-07-2 and BOA#68-07-3 be postponed until the July 12, 2007 Board of

Adjustment public hearing and that they be placed first, second, third and fourth on the agenda.			
MOTION BY:	MARY LINK BENNETT	SECONDED BY	STEVEN BERK
MOTION APPROVED: 6-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Steven Berk Mary Link Bennett Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

WITHDRAWALS

BOA#63-07-5 ROBERT & MELISSA SANGSTER/ROBERT SANGSTER

DISCUSSION	There was no one on the Board nor anyone in the audience who had an objection to BOA#63-07-5 being withdrawn.		
MOTION READS:	To approve the withdrawal of BOA#63-07-5		
MOTION BY:	STEVEN BERK	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED: 6-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Steven Berk Mary Link Bennett Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

CONSENT AGENDA

BOA#59-07-5 GREGORY F & LORRAINE A TIGHE
BOA#64-07-2 JAMES P & TAMARA M ENND (TRUSTEE)/
CYNTHIA A AUSTAD, FLORIDA RANCH REALTY
BOA#69-07-2 FIELDS EQUIPMENT COMPANY INC/
GINGER CHENIER, INNOVATIVE LIGHTING SYSTEMS, INC
BOA#70-07-5 ROBERT W & LEAH M LADLEY/ROBERT W LADLEY
BOA#71-07-5 FRANK & CHRISTINE ELLIS, TRUSTEE/
ROBERT RICHARDSON, LAKE COUNTY PUBLIC SAFETY DEPT

DISCUSSION	There was no one on the Board nor anyone in the audience who had an objection to the following cases remaining on the consent agenda: BOA#59-07-5, BOA#64-07-2, BOA#69-07-2, BOA#70-07-5 and BOA#71-07-5.		
MOTION READS:	To approve with conditions of staff.		
MOTION BY:	HENRY WOLSMANN	SECONDED BY	LLOYD ATKINS, JR
MOTION APPROVED: 6-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Steven Berk Mary Link Bennett Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

**DORAL ESTATES HOMEOWNERS
ROBERT Q WILLIAMS, ATTORNEY****DISCUSSION**

Anita Greiner, Chief Planner, presented the case and staff recommendation of denial based on the fact that staff does not believe the applicant submitted proof of meeting the intent of the Code nor a substantial hardship. She showed the aerial and exhibits from the staff report on the monitor and stated the history of demolition of the old dock and replacement with a new dock.

In response to Mr. Berk, Ms. Greiner confirmed that a permit was applied for, but never actually issued.

Bob Williams, Attorney, was present to represent the homeowners in Doral Estates. Mr. Williams explained that the homeowners raised the money to hire a licensed contractor to pull the permit and replace the dock and were under the assumption that she had done so. He submitted GIS aerials of the site (Applicant Exhibit A), Covenants and Restrictions for Doral Estates (Applicant Exhibit B), first Amendment to Covenants and Restrictions for Doral Estates (Applicant Exhibit C) and a second Deed of Lake Frontage and Amendment to Covenants and Restrictions for Doral Estates (Applicant Exhibit D). Mr. Williams then stated that it is his belief that all the requirements of the Code were met as shown (Applicant Exhibit D) stating by inclusion of the triangular piece of property into common ownership by the homeowners of Doral Estates. He submitted pictures of the new dock and neighbors' docks (Applicant Exhibit E) explaining that it is a beautiful park like setting and that the new dock is an exact replacement of the old existing dock.

In response to a question from Mr. Wolsmann, Mr. Williams showed (Applicant Exhibit C) explaining that it was a document copied from public records.

Ms. Greiner showed pictures of the old dock (County Exhibit A) taken by the Code Enforcement Division when they deemed the dock to be unsafe and copies of letters from Code Enforcement Division (County Exhibit B). She explained that once you make repairs more than 50%, add to or tear down the dock, it is no longer considered legally existing nonconforming and must meet today's standards. She stated that she went over the Amendment submitted by Mr. Williams with the County Attorney's office and they did not consider that part of the plat. Ms. Greiner showed additional pictures of the dock showing the new dock (County Exhibit C) and explained that the dock is no longer considered legally existing nonconforming and that it should meet today's codes. She stated it would be up to the Board to decide whether the intent of the code will be met and that a hardship exists. She showed a copy of the zoning clearance (County Exhibit D) with original notation by Planning staff stating that the dock is an existing legally nonconforming structure and that the repair would have to be less than 50%. She showed a site plan (County Exhibit E) with notes by Planning staff that stated the need for a variance to setbacks before they could move forward if they were going to do more than 50% repair to the dock.

Ms. Greiner responded to a question regarding waived fees, stating that variance application fees not permit fees were waived, and that it is not a common practice.

There was no one in the audience who had any objection to BOA#38-07-3. Ms. Greiner stated that there is one letter of opposition from the person

	<p>who owns the parcel across the street from the subject lot.</p> <p>Gilbert Fayerman spoke for the Doral Estates homeowners. He talked about the Code Enforcement Division condemning the dock and the homeowners hiring a contractor to repair the dock. He stated that the new dock is in the same place, the same size and the same shape as it has always been. Mr. Fayerman stated that the dock is well cared for and that he believed it enhances the beauty of the community.</p> <p>Bob Williams, showed a copy of a memorandum (Applicant Exhibit F) from Commissioner Stivender to Carol Stricklin directing that fees be waived.</p> <p>Mr. Atkins verified with Mr. Williams that the contractor has been paid in full. He then asked Ms. Greiner to verify the specifics of the requested variance.</p> <p>Ms. Greiner stated the parcel the dock is on is not within the platted subdivision, it does not meet the setback requirements and the road it is accessed from is not entirely within the subdivision. She reiterated it would be up to the Board to decide whether the applicant has shown proof that the intent of the Code will be met and shown proof of a substantial hardship. She stated that the recommendation can only be based on what is submitted with the variance application.</p> <p>Ms. Bennett requested Board Attorney, LeChea Parson's opinion regarding the validity of the County's standing that the parcel is not within the platted subdivision. Ms. Parson stated that she was not privy to Ms. Marsh and Mr. Minkoff's opinions and that they were out of the office and not available at this time. Ms. Parson explained that recording a document doesn't necessarily make it valid and authentic.</p> <p>Ms. Greiner stated that the Board could place conditions on the variance that would make the property meet the intent of the Code.</p> <p>Mr. Schreiner stated that he believed there was a hardship.</p> <p>Mr. Wolsmann questioned the size and shape of the old dock versus the new dock, based on the aerial.</p>		
MOTION READS:	TO APPROVE WITH THE CONDITION THAT PARKING IS PROHIBITED ON THE PROPERTY and that the Board believed the Applicant showed proof of a hardship and met the intent of the Code.		
MOTION BY:	LLOYD M ATKINS, JR	SECONDED BY	MARY LINK BENNETT
MOTION APPROVED 4-2	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Howard B. (Bob) Fox, Jr.		AGAINST: Steven Berk Henry Wolsmann

BOA#62-07-4

**LAURIE & HORATIO MOLINA
LESLIE CAMPIONE, PA**

DISCUSSION	Paul Simmons, Planner, presented the case and staff recommendation of approval. Mr. Simmons stated that he believed the applicant showed
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<p>proof of hardship and proof of meeting the intent of the Code. He showed the location of the parcels owned by the two people in objection (County Exhibit A) and read into the record their letters of objection (County Exhibit B) and (County Exhibit C).</p> <p>Leslie Campione, Attorney, was present to represent the owners, Laurie and Horatio Molina. She explained that the owners had contracted with the developer to sell five acres of the subject property that will be part of the Sorrento Village PUD. She explained that the remaining three acres are not part of the PUD and they are requesting to split this portion into two lots approximately 1.3 acres each. Ms. Campione explained that the five acres slated to be part of the PUD will have the required PUD buffers and would not affect the remaining three acres, and that the actual variance request only affects the remaining three acres. She stated that the subject property is zoned R-1 and the created lots will be consistent with and larger than many of the surrounding lots. She stated that the second part of the variance request is to access the second lot from an easement. She stated that both lots would be accessed from Adare Avenue whether it is an easement to the second lot or a shared driveway in connection with the first lot. She pointed out the location of the properties on the aerial from the staff report. She believes the request to be reasonable.</p> <p>Charles Stieren asked where the access to the subdivision is going to be located on Adare Avenue.</p> <p>Ms. Campione showed the survey (Applicant Exhibit A); and pointed out the location of the PUD and the location of the access on Adare Avenue. She explained that the PUD ordinance states that this access can not be the primary access to the subdivision and that the primary access has to be located on SR46. The primary access has to be completed before the secondary access off Adare can be built.</p> <p>Joanne Ciancimino talked about the Land Development Regulations concerning the minor lot split process. She stated that the remaining three acres should remain a buffer between Eden Estates and the PUD and that flag lots would be created if the property was split. She suggested that the property should not be split, but instead be used to create a 100-foot buffer between Eden Estates and the PUD.</p> <p>Ms. Campione stated that the buffer is in place within the PUD and not imposed on the remaining three acres. She also stated that if the PUD had completed the plat process, that there would be no need for a variance request</p> <p>Ms. Ciancimino spoke again requesting that this property be required to be a buffer to her property.</p> <p>Mr. Schreiner explained that the Board did not have that authority.</p>			
FIRST MOTION READS:		TO DENY the requested variance.	
MOTION BY:	HENRY WOLSMANN	SECONDED BY	HOWARD B. (BOB) FOX, JR.
MOTION FAILED 2-4	FOR: Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Steven Berk

SECOND MOTION READS:	TO APPROVE the variance request to allow the subject parcel to be split into three parcels utilizing the minor lot split process with one of the parcels fronting on an easement instead of a paved publicly maintained road.		
MOTION BY:	STEVEN BERK	SECONDED BY	LLOYD ATKINS, JR
MOTION APPROVED 4-2	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Steven Berk		AGAINST: Henry Wolsmann Howard B. (Bob) Fox, Jr.

BOA#65-07-3 **NALE DEVELOPMENTS FLORIDA, INC**
STEVEN T SMALLWOOD, MID FLORIDA SIGNS & GRAPHICS

DISCUSSION	<p>Paul Simmons, Planner, presented the case and staff recommendation of denial.</p> <p>Steven Smallwood of Mid Florida Signs showed pictures of signs for Sally Beauty Supply from around the country (Applicant Exhibit A) and spoke of the proportions of the logo. In response to questions from the Board, he stated that the stores in the photos are all small stores, but they are larger than the store that he is requesting the variance for. He showed the sign plan from the staff report, which shows the proposed placement of the sign. He spoke regarding the technical issues involved in making any letter on the sign smaller than six inches. He stated that the sign had not been made yet; he was contacted by the sign company when they realized that the size of the sign was a problem.</p>		
MOTION READS:	TO DENY the request for a variance to allow a commercial wall sign that would exceed the square footage allowed by Code.		
MOTION BY:	STEVEN BERK	SECONDED BY	HENRY WOLSMANN
MOTION APPROVED 6-0	FOR: Lloyd Atkins, Jr. Mary Link Bennett Donald Schreiner Steven Berk Mary Link Bennett Henry Wolsmann Howard B. (Bob) Fox, Jr.		AGAINST: None

OTHER BUSINESS ANITA GREINER PRESENTED A NEW TEMPLATE FOR BOARD MINUTES.
ALL MEMBERS IN ATTENDANCE WERE IN AGREEMENT TO USE THE PROPOSED TEMPLATE

The meeting was adjourned at 2:45 p.m.

Respectfully submitted.

Anna Ely, Recording Secretary

Donald Schreiner, Chairman